

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re

THIELE MANUFACTURING, LLC  
Debtor

Bankr. Case No. 08-28469-JKF

Chapter 7

Carlota M. Bohm Trustee for  
The Bankruptcy Estate of  
Thiele Manufacturing, LLC  
Movant

Document No. 394

v.

Somerset Trust Company,  
Internal Revenue Service, United States of America,  
Commonwealth of Pennsylvania Department of Revenue, and  
Commonwealth of Pennsylvania Department of Labor and Industry  
Respondent

**ORDER OF COURT**

And now, this 22nd day of October, 2010, after consideration and hearing on the foregoing Motion to Engage Auctioneer To Conduct Public Auction And To Sell Vehicles Free And Clear Of All Liens And Encumbrances, it is hereby ORDERED, ADJUDGED and DECREED that the Motion and all requests in said Motion be and hereby are granted, and it is further ORDERED

That M. Davis Group, LLC is authorized and approved to conduct the sale of all the property (vehicles and trailers, including the Kenworth truck) indicated in the attached Motion, which terms are all incorporated herein by reference; and that M. Davis Group, LLC shall be compensated pursuant to the provisions of Exhibit "B".

The Respondent, Somerset Trust Company's interests, if any, in the property being sold is divested and is also divested from the proceeds of sale.

The property is sold in “as is, where is” condition and free and clear of all liens and encumbrances. Bills of Sale are authorized and to be issued. The Trustee is authorized to sign all closing documents and transfer vehicle and trailers titles.

The auctioneer is directed to advertise the sale and serve the matrix obtained from the Bankruptcy Court of the sale date.

The liens, claims or encumbrances held by any claimant, respondent or lien holder are divested from the property being sold and transferred to the proceeds of sale.

The liens, encumbrance or claims of Respondents, Internal Revenue Service, United States of America, Commonwealth of Pennsylvania, Department of Labor and Industry and the Commonwealth of Pennsylvania, Department of Revenue are divested from the property being sold and are also divested from the proceeds of sale since they have no valid liens or encumbrance on the property being sold.

M. Davis Group, LLC is authorized to conduct a public auction to liquidate the assets of Thiele Manufacturing, LLC listed in the Motion. The sale is to be conducted at the debtor’s former business premises or may be removed at the auctioneer’s option. All vehicles and trailers are to be sold as-is, where-is to the highest bidder. Removal of all vehicles will be at the risk, expense and liability of the buyers.

A budget of \$3,500.00 is allowed as expenses for the auction. These costs will be reimbursed from the proceeds of the auction sale. M. Davis Group, LLC must provide a full accounting to the Trustee within 15 days of the sale. As a commission for services rendered, M. Davis Group, LLC is authorized to receive 12% of the gross sale proceeds. The terms of the auctioneer’s proposal attached to the Motion as Exhibit “B” are fully incorporated herein and approved by this order.

All closing costs, commission costs to M. Davis Group, LLC, transfer taxes or costs associated with the sale by the Bankruptcy Estate are to be paid from the proceeds of sale at closing.

This Court authorizes the sale without advertising. When the auctioneer advertises the sale, the notice that is printed in newspapers of the sale is accepted as in compliance with the Bankruptcy Rules for advertising, and furthermore, the advertising in the Legal Journal is waived and not required. The Trustee/Movant is directed to not advertise the sale in the Legal Journal. The personal property is to be advertised in the newspapers by the auctioneer.

All property located at the debtor's premises is abandoned to the debtor if not sold by the auctioneer.

Trustee shall file a report of sale within 30 days after the auction.

Dated:  
10/22/2010  
13:13:00

*Judith K. Fitzgerald*  
cjs